

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FURUKAWA ELECTRIC		)	
NORTH AMERICA; OFS FITEL LLC,		)	
		)	
Plaintiffs,		)	
		)	Civil Action No. 05-11665 RGS
vs.		)	
		)	
		)	
ANTARES DEVELOPMENT		)	
INTERNATIONAL LLC,		)	
		)	
Defendant.		)	
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**ANSWER TO COUNTERCLAIMS**

Plaintiffs and Defendants-in-Counterclaim Furukawa Electric North America (“Furukawa”) and OFS (“OFS”) Fitel LLC (collectively, “Defendants-in-Counterclaim”) hereby answer each numbered paragraph of Antares Development International LLC’s (“Antares”) Counterclaims as follows:

**Parties**

1. Defendants-in-Counterclaim are without sufficient knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Counterclaim.

2. Defendants-in-Counterclaim admit the allegations set forth in Paragraph 2 of the Counterclaim.

3. Defendants-in-Counterclaim admit the allegations set forth in Paragraph 3 of the Counterclaim.

**Jurisdiction and Venue**

4. Paragraph 4 of the Counterclaim purports to state a legal conclusion, as to which no response is required.

5. Defendants-in-Counterclaim admit the allegations set forth in Paragraph 5 of the Counterclaim.

6. Defendants-in-Counterclaim admit the allegations set forth in Paragraph 6 of the Counterclaim, except that they state that to the extent the allegations in Paragraph 6 purport to state a legal conclusion, no response is required.

7. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 7 of the Counterclaim, except that they admit that they have filed a complaint in this judicial district alleging patent infringement of the '322 Patent, the '816 Patent, the '047 Patent and the '881 Patent. Defendants-in-Counterclaim further admit that Antares has answered the complaint denying such allegations of infringement and has asserted a counterclaim alleging that the '322 Patent, the '816 Patent, the '047 Patent and the '881 Patent are invalid. Defendants-in-Counterclaim further state that to the extent the allegations in Paragraph 7 purport to state a legal conclusion, no response is required.

**First Counterclaim**  
**Declaratory Judgment of Noninfringement of the '322 Patent**

8. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 8 of the Counterclaim.

**Second Counterclaim**  
**Declaratory Judgment of Noninfringement of the '816 Patent**

9. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 9 of the Counterclaim.

**Third Counterclaim**  
**Declaratory Judgment of Noninfringement of the '047 Patent**

10. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 10 of the Counterclaim.

**Fourth Counterclaim**  
**Declaratory Judgment of Noninfringement of the '881 Patent**

11. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 11 of the Counterclaim.

**Fifth Counterclaim**  
**Declaratory Judgment of Invalidity of the '322 Patent**

12. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 12 of the Counterclaim.

**Sixth Counterclaim**  
**Declaratory Judgment of Invalidity of the '816 Patent**

13. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 13 of the Counterclaim.

**Seventh Counterclaim**  
**Declaratory Judgment of Invalidity of the '047 Patent**

14. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 14 of the Counterclaim.

**Eighth Counterclaim**  
**Declaratory Judgment of Invalidity of the '881 Patent**

15. Defendants-in-Counterclaim deny the allegations set forth in Paragraph 15 of the Counterclaim.

**Affirmative Defenses**

**FIRST AFFIRMATIVE DEFENSE**  
**(Failure to State a Claim)**

The Counterclaim fails to state a claim against Defendants-in-Counterclaim upon which relief may be granted.

**ADDITIONAL AFFIRMATIVE DEFENSES**

Defendants-in-Counterclaim reserve the right to supplement these affirmative defenses as the record is developed through discovery.

WHEREFORE, Defendants-in-Counterclaim demand relief and judgment as follows:

- a. dismissal of the Counterclaims with prejudice;
- b. award to Defendants-in-Counterclaim of their costs and disbursements; and
- c. such other and further relief as the Court may deem just and proper.

Dated: January 3, 2006

Respectfully submitted,

By: /s/ E. Page Wilkins

Sarah Chapin Columbia (BBO# 550155)

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 3, 2006.

/s/ E. Page Wilkins

E. Page Wilkins